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July 12, 2024

Sent Via ECF

The Honorable Chad F. Kenney
United States District Court, E.D. Pa.
11613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
[Chambers of Judge Chad F Kenney@paed.uscourts.gov](mailto:Chambers_of_Judge_Chad_F_Kenney@paed.uscourts.gov)

RE: Godwin v. Frontier Airlines, Inc., et al.
Civil Action No.: 2:23-cv-4011-CFK

Dear Judge Kenney:

My office represents Defendant Frontier Airlines, Inc. ("Frontier") in the above referenced matter. I write on behalf of both parties, with consent from counsel for Plaintiff Christopher S. Godwin. In accordance with the Court's July 1, 2024 Order (ECF No. 26), please allow this letter to serve as the parties' joint status report, identify the discovery completed to date, as well as the discovery that remains outstanding.

Discovery Completed to Date

The parties have exchanged Rule 26(a) Initial Disclosures.

Frontier served its Initial Disclosures on March 11, 2024 and intends to supplement its Initial Disclosures to identify the four flight attendants who were working on Flight F9108. Frontier has already identified these individuals in its written responses to Plaintiff's Interrogatories, served on May 3, 2024.

Plaintiff served his Initial Disclosures on March 15, 2024. Along with his disclosures, Plaintiff provided medical records from Bucks Family Medical Center, Dr. Stuart Trager, and St. Mary Medical Center, as well as photographs of his injuries and travel related documents. He also provided HIPAA compliant authorizations for the release of his medical records from:

- (1) Hima San Pablo Hospital,
- (2) Fairless Hills Jefferson Health,
- (3) Orthopaedics at Jefferson Health,
- (4) Bucks Family Medical Center,
- (5) Dr. Trager, and
- (6) St. Mary Medical Center.

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The parties have exchanged written discovery. Plaintiff responded to Frontier's First Set of Interrogatories and First Set of Requests for Production on April 19, 2024. Plaintiff also produced records from Stephen J. Masceri, M.D. of Physical Medicine and Rehabilitation and provided HIPAA compliant authorizations for the release of his medical records from Dr. Masceri, Robert C. Goldstein, M.D., and Bucks Family Medicine.

Frontier responded to Plaintiff's First Set of Interrogatories and First Set of Requests for Production on May 3, 2024. Frontier produced the Passenger PNR for Plaintiff. On June 25, 2024, subject to the parties' agreed-upon confidentiality agreement, Frontier produced the Operational Flight Details for the subject flight, as well as a redacted Flight Manifest Report and relevant portions of the Frontier Flight Attendant Manual.

Discovery Still Outstanding

Frontier has subpoenaed records from: (1) Dr. Masceri, (2) Dr. Goldstein, (3) Bucks County Family Medicine, (4) Dr. Trager, (5) St. Mary Medical Center, (6) Fairless Hills Jefferson Health, (7) Orthopaedics at Jefferson Health, (8) Hima San Pablo Hospital, (9) Frito Lay (Plaintiff's former employer), and (10) Blue Cross Blue Shield. To date, Frontier has only received responsive records from Dr. Masceri, Dr. Goldstein, and Dr. Trager. Frontier continues to follow-up with the other entities.

With respect to depositions, Frontier noticed the deposition of Plaintiff for July 12, 2024, but this deposition needed to be rescheduled due to a COVID-19 exposure. Counsel have agreed to proceed with the deposition on July 23, 2024. Frontier also anticipates that it will need to depose Plaintiff's spouse, Lynda Godwin, who Plaintiff identified in his Initial Disclosures as a person who is likely to have discoverable information as to Plaintiff's claimed injuries and damages.

Plaintiff has issued a Notice of Deposition directed to Frontier for a 30(b)(6) deposition and a notice of deposition for the flight attendants working aboard Flight F9108 who have relevant information. Frontier is working to identify the appropriate corporate representative(s) to provide testimony binding on the company. Frontier has confirmed that at least three of the four flight attendants who were working on Flight F9108 are no longer employed by Frontier. Plaintiff has requested that Frontier provide their last known contact information. The parties are working to identify additional passengers aboard Flight F9108 who may have discoverable information.

Based on the discovery conducted to date, the parties anticipate designating two experts each: one liability expert and one damages expert (medical). However, the parties reserve the right to modify the number of anticipated experts up to the disclosure deadline(s) based on the outstanding fact discovery. Following Plaintiff's deposition, Frontier may request that Plaintiff appear for a medical examination. The parties have not determined whether they will depose some, all, or none of the opposing party's experts. They reserve the right to depose all disclosed experts once they receive and have the opportunity to review the opposing party's experts' reports.

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Thank you for Your Honor's courtesies in this regard. Please us know if the parties can provide any additional information.

Respectfully submitted,

CAMPBELL CONROY & O'NEIL, P.C.

/s/ Erin W. Grewe

Erin W. Grewe, Esquire

cc: All counsel of record (via ECF)